## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

CHRISTOPHER W. RICHARD, #2252403,	§ § §	
Plaintiff,	§ § &	Case No. 6:22-cv-283-JDK-KNM
v.	§ §	Case No. 0.22-cv-205-9DK-KNW
LUCAS R. SPENCER, II, et al.,	§ §	
Defendants.	§ § §	

## ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Christopher W. Richard, a Texas Department of Criminal Justice inmate proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636.

On March 5, 2023, Judge Mitchell issued a Report and Recommendation recommending that the Court dismiss this case without prejudice for want of prosecution and failure to obey a Court order to pay the initial partial filing fee.

Docket No. 15. Plaintiff filed written objections. Docket No. 16.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), superseded on other

grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from

ten to fourteen days).

Here, Plaintiff asserts that his unit told him that the court orders the money

to be taken from his inmate trust fund account. On April 19, 2023, the Magistrate

Judge issued an order informing Plaintiff that he had to initiate the required

paperwork at his unit so that money could be taken from his account to pay the initial

partial filing fee. Docket No. 17. The order treated Plaintiff's objections as an

extension of time and instructed him to pay his initial partial filing fee as previously

ordered. Plaintiff received the order on or about May 5, 2023. Docket No. 18.

Plaintiff still has not paid the initial partial filing fee as ordered.

Having conducted a de novo review of the record in this case and the

Magistrate Judge's Report, the Court has determined that the Report of the

Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly,

the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 11) as

the opinion of the District Court. Plaintiff's claims are DISMISSED without

prejudice for want of prosecution and failure to obey a Court order to pay the initial

partial filing fee.

Signed this

Jun 20, 2023

TATES DISTRICT JUDGE

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